

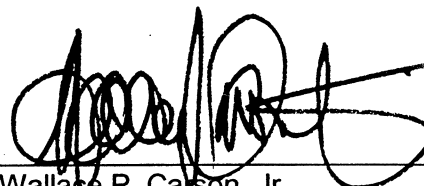
IN THE SUPREME COURT OF THE STATE OF OREGON

In the Matter of Approving) Chief Justice Order
Adoption of Certain Tenth Judicial) No. 05-059
District Temporary Supplemental)
Local Rules Out-of-Cycle) ORDER TO APPROVE ADOPTION OF CERTAIN
) TENTH JUDICIAL DISTRICT TEMPORARY
) SUPPLEMENTAL LOCAL RULES OUT-OF-CYCLE
)

IT IS HEREBY ORDERED, pursuant to ORS 1.002, UTCR 1.050(1)(c), and UTCR 1.050(2)(c):

1. Supplemental Local Rules (SLR) 1.034, 1.035, 7.015, 7.111, 7.112, 7.113, 7.114, and 7.115 for the Tenth Judicial District (Union and Wallowa Counties), as set forth in Attachment A to this order, are approved for adoption as temporary rules.
2. Supplemental Local Rules (SLR) 1.034, 1.035, 7.015, 7.111, 7.112, 7.113, 7.114, and 7.115 for the Tenth Judicial District (Union and Wallowa Counties), as set forth in Attachment A to this order, shall be effective from the date of this order through January 31, 2007.
3. The Tenth Judicial District shall take the steps required by UTCR 1.050 to make these rules permanent (in current form or amended) or to repeal these rules effective February 1, 2007.

DATED this 9th day of December, 2005.



Wallace P. Carson, Jr.
Chief Justice

ATTACHMENT A TO CJO # 05-059

CHAPTER 1 - GENERAL PROVISIONS

1.034 PAYMENT IN U.S. DOLLARS

All fees, costs, fines, and assessments shall be paid in U.S. Dollars. Unless otherwise ordered by a judge of this Court, or required by law, the Trial Court Administrator shall not accept any foreign currency and shall return any checks payable in foreign currency to the payor for replacement.

1.035 CREDIT CARDS

Credit cards may be used and fees assessed as provided in ORS 1.005.

CHAPTER 7 - CASE MANAGEMENT AND CALENDARING

7.015 VIDEO APPEARANCES

The Tenth Judicial District presently has video capability at the courthouses in La Grande and Enterprise. This rule applies for appearances by video.

(1) Criminal cases

When handled by video, a completed plea petition document must be filed with the court prior to any change of plea.

(2) Habeas Corpus and Post-Conviction Relief cases

If a defendant is in the custody of a correctional institution, the defendant's pretrial motions, pretrial hearings, and court trial shall be conducted by video camera, if available.

(3) Civil cases

Parties wishing to use video technology in civil cases shall, where available, make arrangements with the Trial Court Administrator prior to trial and pay all expenses of the video.

(4) Mental Commitment cases

If an alleged mentally ill person is in a mental health facility, the motions, hearings, and trial shall be conducted by video appearance, if available, at the expense of the Mental Health Division.

(5) Scheduling

Scheduling of video appearances shall be by the trial court's judicial assistant, or docketing clerk, who shall coordinate with other judicial assistants on the use and availability of the video system. The first priority for use of video is criminal matters.

(6) Exhibits

All exhibits will be presented to the court no later than three (3) judicial days prior to the scheduled video court proceeding. Any party presenting exhibits to the court will also provide a self addressed, pre-paid postage mailing package to the court for the return of the exhibits.

7.111 TIME LINES

The following time lines will be observed in all criminal cases:

- (1) Preliminary hearing decision. Defendant shall advise the court of a preliminary hearing decision/waiver within ten days after arraignment.
- (2) Plea hearing. A hearing for entry of plea to felony charges shall be set approximately 42 days (six weeks) after the arraignment. A hearing for entry of plea to misdemeanor charges shall be set approximately 28 days (four weeks) after the arraignment. This schedule does not apply to 60 day rule cases. See ORS 136.290.
- (3) Pretrial hearing. A pretrial hearing shall be held approximately 35 days after entry of plea for defendants not in custody and approximately 21 days for defendants in custody. As discussed in more detail below in Section 7.114, this hearing is the last opportunity defendant has to accept a plea bargain.
- (4) Twenty-four hour status conference. This status conference will be held in open court one day before the scheduled trial.

7.112 PRELIMINARY HEARING DECISION

All requests and waivers of preliminary hearings must be in writing or on the record in open court. Notice to the court by telephone will not be accepted. If defendant is in custody a preliminary hearing will be set within five judicial days of the defendant's request. If defendant is not in custody a preliminary hearing will be set within 30 days of the defendant's request. The court will make reasonable efforts to expedite appointment proceedings when the defendant is in custody. Discovery shall be expedited so that defense counsel will have discovery prior to the preliminary decision date.

7.113 PLEA HEARING

If the defendant enters a plea of not guilty counsel shall report whether a jury trial is desired and advise the court of the probable length of the trial. The parties will advise the court of potential motions to suppress evidence and other pretrial motions and will advise the court of the need to set an omnibus hearing pursuant to ORS 135.037. The court will fix a date for filing the motions.

7.114 PRETRIAL HEARING

This hearing is held in open court. The pretrial hearing will be held no later than 35 days before the trial date for those out of custody and no later than 21 days before trial for those in custody. The District Attorney, defense counsel and defendant are required to appear. The District Attorney shall promptly notify all victims in advance of all such hearings. Absent good cause shown, this will be defendant's final opportunity to accept any offer made by the District Attorney by entering a change of

plea at such hearing. This will be the District Attorney's final opportunity to make any change in any plea offer. If the defendant rejects the plea offer or if the District Attorney declines to make a plea offer, the District Attorney must go to trial on all charges, or the defendant must plead guilty to all charges, or the District Attorney must move to dismiss all charges. The court will establish deadlines for filing proposed jury instructions and verdict forms pursuant to UTCR 6.060 and for the marking, delivering, and stipulating to exhibits pursuant to UTCR 6.080, SLR 6.081, and SLR 6.082. Relief from the dates set pursuant to this section shall be granted for good cause shown.

7.115 TWENTY-FOUR HOUR STATUS CONFERENCE

Counsel and the defendant must appear at this conference scheduled the full business day prior to the date set for trial. If defendant does not appear, an arrest warrant will issue and no jury will be called. The parties will advise the court of any unresolved motions, any issues regarding scheduling of witnesses, and any other matters that may facilitate trial by the avoidance of unnecessary proof or by simplification of issues to be tried. The parties will advise the court of any special security considerations or equipment needs.